THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23525 of 2006

13.11.2006

Between:

Mangali Suresh, S/o.late Mangali Shankaraiah

... Petitioner

AND

The Revenue Divisional Officer, Ranga Reddy East Division at Hyderabad

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23525 of 2006

ORDER:

The land admeasuring Acs.2.05 guntas in survey No.233 of Nizampat village of Quthbullapur Mandal in Ranga Reddy District was assigned to Mangali Sankaraiah, father of the petitioner herein. The assignee allegedly obtained Pattadar Pass Book (PPB) and was cultivating the land. Mangali Balaiah, brother of assignee, was also assigned similar extent of land. After death of father, the petitioner and his brothers partitioned the property. The petitioner got Acs.0.21 guntas in survey No.233/9 and obtained PPB. It is stated that sons of Mangali Balaiah sold their share of land. As a result of this, the Mandal Revenue Officer (MRO), Quthbullapur Mandal–second respondent herein; initiated action for resumption of land under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). After issuing notice to the occupants and assignees, the MRO passed orders vide proceedings No.A/10269/01, dated 06.8.2004 ordering resumption of land to the extent of Acs.4.11 guntas in survey No.233/9 situated at Nizampet village. The legal heirs of Mangali Sankaraiah or Mangali Balaiah did not challenge order of the second respondent before the appellate authority. However, alleging that the petitioner has not contravened the provisions of the Act or the Rules made thereunder, he filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to resume the land as illegal and arbitrary. The petitioner has not specifically assailed the order passed by the second respondent dated 06.8.2004.

Learned Counsel for the petitioner submits that the petitioner in his own right got Acs.0.21 guntas in survey No.233/9 and he did not alienate the property in contravention of the Act. He submits that when the legal heirs of Mangali Balaiah and others allegedly sold their share of assigned land to third parties, under a mistake of fact, the second respondent ordered resumption of the land of the petitioner also, which is unsustainable. **Opposing** the writ petition, learned Assistant Government Pleader for Revenue (Assignment) submits that the writ petition is filed after lapse of more than two years and, therefore, without therebeing proper explanation for the delay and laches, the writ petition cannot be entertained. He secondly submits that the

petitioner has effective alternative remedy before the Revenue Divisional Officer (RDO), the first respondent herein, under Section 4-A of the Act and, therefore, the writ petition is misconceived. He also submits that the MRO passed well-considered order after noticing all relevant facts and, therefore, no interference is called for.

As rightly pointed out by the learned Assistant Government Pleader against the order passed by the MRO appeal would lie to the RDO under Section 4-A of the Act. Further appeal/revision is also provided under Section 4-B of the Act to the Joint Collector and Government. Therefore, this Court is not inclined to interfere in the matter especially when the order of the MRO is not specifically challenged though the petitioner is aware of such order. Therefore, the petitioner is given liberty to file appeal before the first respondent within a period of ten (10) days from the date of receipt of a copy of this order. As and when appeal is filed, the first respondent may entertain the same and pass appropriate orders on merits, after giving notice to all the persons to whom notices were issued by the MRO and the persons who filed objections before the MRO. The RDO may dispose of the appeal within a period of eight (8) weeks from the date of filing of the appeal.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

November 13, 2006

NOTE:

Issue order copy by

17.11.2006.

(By order)

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